

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:		Confirmation No.: <b>1799</b>
Inventor:	Mark A. Reiley	Examiner: David Isabella
Application No.:	<b>10/615,727</b>	Group Art Unit: 3738
Filed:	July 9, 2003	Customer No. <b>21971</b>
Title:	<b>FACET ARTHROPLASTY DEVICES AND METHODS</b>	

**FILED ELECTRONICALLY ON: May 15, 2006**

**RESPONSE TO COMMUNICATION**  
**MAILED APRIL 21, 2006**

M/S Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

This communication is in response to the Action mailed April 21, 2006. The shortened statutory period for response expires on May 21, 2006. The Response is submitted prior to shortened statutory period for reply therefore no extension fee is required to consider this response.

**REMARKS**

**I. EXAMINER INTERVIEW**

Applicant wishes to acknowledge with appreciation the courtesies extended by Examiner Isabella during the Telephonic Interview on April 26, 2006. The Examiner's comments were helpful to Applicant in preparing this Response.

## **II. ELECTION/RESTRICTION**

As confirmed with Examiner Isabella in the telephone interview April 26, 2006, this restriction requirement was issued in the wrong application. The action was intended to be a restriction requirement for an application that is a divisional of 10/615,727, as noted in the first paragraph of page 2 of the action. However, this application **IS** the 10/615,727, therefore the communication was issued in error and should be withdrawn as to this application.

Examiner Isabella agreed with this assessment and requested applicant formally respond to the action and request withdrawal.

In view of the fact that this restriction requirement was issued in error to this application, no election is required for this response to be fully responsive.

## **CONCLUSION**

For the foregoing reasons, Applicant requests the restriction requirement mailed April 21, 2006, be withdrawn.

## **FEE AUTHORIZATION**

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 29914-701.401).

Respectfully submitted,

Date: May 15 2006

By:

  
Cecily Anne O'Regan  
Registration No. 37,448

WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Direct Dial: (650) 849-3207  
Customer No. 21971